



28 AUG 2006

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Alexandria, VA 22314

In re Application of:	:	
MATTHIJSSE, Pieter, et al.	:	
U.S. Application No.: 10/509,684	:	COMMUNICATION REGARDING
PCT No.: PCT/NL03/00261	:	THIRD SUBMISSION UNDER
International Filing Date: 07 April 2003	:	37 CFR 1.42
Priority Date: 10 April 2002	:	
Attorney's Docket No.: 260119US6PCT	:	
For: METHOD AND DEVICE FOR	:	
MANUFACTURING OPTICAL	:	
PREFORMS, AS WELL AS THE	:	
OPTICAL FIBRES OBTAINED	:	
THEREWITH	:	

This communication is issued in response to applicants' "Response To Communication Regarding Submission Under 37 CFR 1.42" filed 21 July 2006. No petition fee is required.

**BACKGROUND**

The procedural background for this application is set forth in the communications mailed herein on 28 October 2005 and 09 March 2006.

The most recent communication, mailed 09 March 2006, rejected the declaration filed on 28 December 2005 for failure to satisfy the requirements of 37 CFR 1.42 and 37 CFR 1.497. Specifically, the Communication stated that the declaration filed on 28 December 2005 failed to adequately identify the person executing the declaration on behalf of the deceased inventor, failed to clearly identify the citizenship of the deceased inventor and the citizenship, mailing address and residence of the deceased inventor's heir, and was not accompanied by a clear statement that the person executing the declaration on behalf of the deceased heir was the sole heir of the inventor.

On 21 July 2006, applicant filed the "Response To Communication Regarding Submission Under 37 CFR 1.42" considered herein, accompanied by a revised declaration. The response included payment for a two-month extension of time. However, because a response to the previous communication was due on 09 May 2006, a three-month extension of time is required for the 21 July 2006 submission to be considered timely.

Deposit Account No. 15-0030 will be charged the additional fee necessary for the three-month extension.<sup>1</sup>

### DISCUSSION

The revised declaration filed by applicants on 21 July 2006 is executed by Johanna Catharina van Lierop JANSEN as the sole heir of the deceased inventor, clearly identifies the heir and, in combination with the previously filed declaration materials, provided all required information. Acceptance of the revised declaration under 37 CFR 1.42 and 1.497 is therefore appropriate.

The submission of the declaration executed by the sole heir of the deceased inventor is hereby construed as an indication that no legal representative of the deceased's estate has been appointed and that no legal representative is required by applicable law to be appointed. If this interpretation is incorrect, applicant is required to promptly notify the Office of such and to submit a declaration properly executed by the legal representative of the deceased inventor in response to this decision.

### CONCLUSION

Applicants' request for status under 37 CFR 1.42 with respect to deceased inventor Henrikus Lambertus Maria JANSEN is **GRANTED**.

This application is being returned to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 21 July 2006.



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Enclosure:

- Copy of 09 March 2006 "Communication Regarding Second Submission Under 37 CFR 1.42"

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<sup>1</sup> It is noted that applicants' 21 July 2006 submission includes a copy of the communication mailed by this Office on 28 October 2005, which appears to have a mail date of 23 March 2006. However, the most recent communication of record in the present application is the communication mailed 09 March 2006 in response to applicants' 28 December 2005 submission; a copy of this communication, with the 09 March 2006 mail-date indicated thereon, is included with this decision.